



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Chester Beeler DOD: 12/29/09		FRANCES BEELER ALBERS, Beneficiary, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
Mary Lorene Beeler DOD: 4/2/10			
Cont. from 090115		<p>Petitioner states the Chester & Lorene Beeler Trust was created 4/12/07. CHESTER PORTER BEELER and GAIL BROWN were designated as the initial co-trustees pursuant to the Third Amendment dated 7/3/08.</p>	<p><u>SEE PAGE 2</u></p>
		<p>As a result of the resignation of Gail Brown, a vacancy has developed in the office of trustee. No provision was made in said trust for the appointment of a successor trustee.</p>	
		<p>The sole asset of the trust is an Installment Note (interest included) dated 8/27/07 in the face amount of \$171,000.00 executed by Bentotage Premaial Desilva and Damayanthi Desilva, which is secured by a Deed of Trust and Assignment of Rents recorded e9/7/07 in Fresno County Records as Document No. 2007-0167311. The unpaid balance as of 6/20/15 is \$158,381.87</p>	
		<p>The Third Amendment to the Trust does not provide for the appointment of a successor trustee. Petitioner as income beneficiary requests that the Court appoint MATT BICKEL, a licensed California fiduciary, as Successor Trustee (consent attached) with bond of \$160,000.00 due to the vacancy.</p>	
		<p>Petitioner states the beneficiaries entitled to notice of this petition are Anna B. Hinley, Elizabeth Beeler Rogers, Gail Brown, Frances Albers, and West Park Baptist Church.</p>	
		<p>Petitioner requests that:</p> <ol style="list-style-type: none"> The Court appoint Matt Bickel as Successor Trustee of the Chester & Lorene Beeler Living Trust dated 4/12/07; The Court order that a bond of \$160,000.00 be obtained by the Successor Trustee with a receipt to be filed; and The Court make all further and proper orders that the Court may deem necessary. 	
		<p><u>SEE ADDITIONAL PAGES</u></p>	

Attorney Bagdasarian's declaration filed 8/26/15 states Gail Brown is the current trustee, and was formerly represented by Attorney Gregory Roberts. It is alleged that Gail Brown has failed to continue to administer the trust and was contacted through her counsel to resign as trustee. Mr. Roberts indicated that he would recommend same to Ms. Brown. However, on further contact with Mr. Roberts, he indicates that he has not been able to contact Ms. Brown to determine her willingness to resign and obtain the resignation on her behalf.

Mr. Bagdasarian indicates that it is imperative that a trustee be appointed to continue to administer the trust, including the collection of payments under a promissory note and the payment of fiduciary income taxes. Therefore, request is made that Matt Bickel be appointed as Successor Trustee with bond of \$160,000.00.

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner states the resignation of Gail Brown is attached as Exhibit C; however, no Exhibit C is attached. Mr. Bagdasarian's later declaration indicates that there may not be a signed resignation. Need clarification.**
2. **On 9/24/13, this Court granted Trustee Gail Brown's Petition for Settlement of her Second and Final Account and Report, which included final distribution of various trust assets, including the subject Installment Note as follows:**
 - To Elizabeth Beeler Rogers and John H. Beeler, 5.625% each or 11.25%
 - To Anna B. Hinley and Frances Beeler Albers (Petitioner), 18.0% each or 36.0%
 - To Fresno Rescue Mission 52.75%

This petition does not address that Order or allege whether any distribution occurred thereto, including distribution of the subject Installment Note or any of the other assets. Need clarification. Were the other assets distributed pursuant to the Order, leaving only this Installment Note as an asset of the trust? If so, why?

3. **Petitioner lists five parties entitled to notice as "income beneficiaries" at Paragraph 7, but does not include certain parties to whom shares of the subject Installment Note were *distributed* pursuant to the 9/24/13 order, namely, John H. Beeler and Fresno Rescue Mission.**

Further, this list should include each person entitled to notice of proceedings regarding the trust pursuant to Probate Code §17201, which based on the above details, may include more than just the five income beneficiaries of this particular trust asset.

Therefore, need complete list of persons entitled to notice of these proceedings. Continuance may be required for notice to those entitled thereto.

4. **Petitioner requests appointment of a successor trustee, but does not appear to request removal of the current trustee or provide grounds for removal pursuant to Probate Code §15642. Need clarification. At this point, there does not appear to be a vacancy, since no resignation has been filed. If granted, the Court may require a revised order including removal of Ms. Brown as trustee.**

Case No. 12CEPR00785

Fanucchi, Edward L.

Second and Final Account and Report of Guardian and Petition for its Settlement; for Allowance of Attorney Fees and Reimbursement of Costs Advanced; for Termination of Guardianship Proceedings, for Discharge of Guardian and for Transfer of Guardianship Funds to Conservatorship Estate

			DELIA GONZALEZ , Guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Account period: 10/31/13 – 6/30/15	
Cont. from 091715			Accounting - \$571,124.28	Note: Petition indicates that upon the filing of receipts petitioner should be discharged as guardian of the estate. Probate Code 2627(b) states a guardian is not entitled to discharge until one year after the minor has attained the age of majority. Examiner has removed the language regarding discharge from the order.
	Aff.Sub.Wit.		Beginning POH - \$113,657.09	
✓	Verified		Ending POH - \$569,204.53	
	Inventory		Guardian - waives	
	PTC			
	Not.Cred.		Attorney - \$2,884.00 (12.5 hours @ \$225/hr. and 1.3 hours @ \$65/hr.)	
✓	Notice of Hrg			
✓	Aff.Mail	W/	Costs - \$488.00 (filing fee and certified copies)	
	Aff.Pub.			
✓	Sp.Ntc.		Petitioner prays for an Order:	
	Pers.Serv.		1. Settling, allowing and approving the second and final account;	
	Conf. Screen		2. Approving all acts and transactions of Guardian;	
	Letters		3. Payment of attorney fees and costs.	
	Duties/Supp		4. Directing the remaining property on hand be transferred to the conservator of the estate of Francisco De La Mora;	
	Objections		5. Upon approval of this accounting and the filing of receipts, petitioner should be discharged as guardian of the estate;	
	Video Receipt		6. The Guardianship estate proceedings be terminated.	
	CI Report			
✓	2620(c)			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: KT
Reviewed on: 10/5/15
Updates:
Recommendation:
File 5 – De La Mora

6 Julissa Contreras, Arianna Contreras, Danny Cabrera and Ramon Contreras (GUARD/P)

Case No. 13CEPR00234

Petitioner Contreras, Ramon Victor (Pro Per – Father)

Petition for Visitation

Julissa age: 12	RAMON VICTOR CONTRERAS , father, is petitioner. <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all relatives pursuant to Probate Code §1460, including: <ul style="list-style-type: none"> • Patricia Martinez (Guardian) • Candice Gomez (Guardian) • Stephanie Cabrera (Mother) • Maria Contreras (Paternal Grandmother) • John Cabrera (Maternal Grandfather) 	
Ariana age: 7			
Danny age: 7			
Ramon age: 5			
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			x
<input type="checkbox"/> Aff.Mail			x
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order			x
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
Reviewed by: LV			
Reviewed on: 10/05/2015			
Updates:			
Recommendation:			
File 6 – Contreras & Cabrera			

Atty Kruthers, Heather (for Public Administrator – Petitioner)
 Atty Roberts, Gregory J. (for Joseph Balagno – Beneficiary - Objector)
 Atty Armo, Lance E. (for Linda Balagno and Lori Brown – Beneficiaries)
 Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
 Atty Johnson, Summer (for Mary Pond – Respondent)

First and Final Account and Report of Successor Trustee; Petition for Allowance of Compensation to Successor Trustee and her Attorney; and for Distribution

		FRESNO COUNTY PUBLIC ADMINISTRATOR, Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order 9/1/15: Joseph Balagno objects to the petition. Written objections are to be filed no later than 9/22/15 and mail a copy to everyone legally entitled to notice. Ms. Johnson reports that they are ironing out the details regarding distribution and requests continuance. Note: On 7/28/15, the Court granted preliminary distribution of \$50,000.00 to each of the four beneficiaries. Update: Joseph Balagno's objection was filed 9/22/15. See Page 2. The following issues remain: 1. Need receipts for the preliminary distribution from Linda Sue Balagno, Lori Jo Brown, Joseph Dale Balagno, and Mary Pond. 2. Given the preliminary distribution, need recalculation of final distribution and revised order.
		Account period: 10/15/13 – 5/27/15 Accounting: \$560,600.75 Beginning POH: \$516,776.66 Ending POH: \$503,035.65 (\$464,108.72 cash plus personal property)	
Cont. from 072815, 090115		Successor Trustee (Statutory): \$14,129.06	
<input type="checkbox"/>	Aff.Sub.Wit.	Successor Trustee (Extraordinary): \$248.00 (preparation, filing tax returns)	
<input checked="" type="checkbox"/>	Verified	Bond fee: \$2,102.27	
<input type="checkbox"/>	Inventory	Costs: \$141.50 (to pay to Fresno Superior Court for certified copies)	
<input type="checkbox"/>	PTC	Reserve: \$400.00 (for payment of any tax preparation after date of this account)	
<input type="checkbox"/>	Not.Cred.	Reserve: \$25,000.00 (pursuant to settlement agreement, for fees that may be awarded to the former trustee and his attorney)	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states the children and longtime girlfriend of Dale W. Balagno entered into a settlement agreement regarding distribution of assets as follows:	
<input checked="" type="checkbox"/>	Aff.Mail	Linda Sue Balagno: \$101,880.95 cash plus Bersa handgun, 2005 Ford Mustang, 1965 Chevy Pickup, and 1985 Harley Davidson	
<input type="checkbox"/>	Aff.Pub.	Lori Jo Brown: \$101,880.96 cash plus Colt pistol, Smith & Wesson handgun, 2002 Harley Davidson	
<input type="checkbox"/>	Sp.Ntc.	Joseph Dale Balagno: \$101,880.96 cash plus Beretta handgun, Smith & Wesson handgun, .80 round of ammunition, .25 rounds of ammunition, Yellow ring with stones, Peugeot watch, Harley Davidson watch, Geneva watch, 2005 Harley Davidson	
<input type="checkbox"/>	Pers.Serv.	Mary Pond: \$101,880.96 cash	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Page 2

Objection to Proposed Distribution of Personal Property filed 9/22/15 by Joseph Balagno states he did not sign the settlement agreement. He agrees with all terms with the exception of the distribution of the personal property. In addition to the items being distributed to him, Joseph Dale Balagno should receive the following items that his father wanted him to have:

- 1965 Chevy Pickup
- 1986 Harley Davidson Sportster
- 1985 Harley Davidson
- Helmet, gloves, jacket
- 1/3 of the unclaimed property with the State Controller.

Joseph Dale Balagno has been told that he cannot receive the guns. If he cannot receive the guns, they should be distributed to his mother, Sarah Roberts, so they can ultimately be distributed to his children when they are old enough.

Declaration of Attorney Lance Armo filed 9/29/15 (Attorney for beneficiaries Linda Balagno and Lori Brown) states he has reviewed the objection with his clients. In light of said objection, his clients no longer agree to any further distribution of funds or personal items until and unless Joseph Balagno and his clients agree in writing to the distribution pursuant to the settlement agreement.

Further, his clients hereby request that the 1965 pickup located in the garage of Joseph Balagno's residence be turned over to the Public Administrator for the pendency of this matter.

Mr. Armo will not be present on 10/8/15 as he will be attending the State Bar Annual Meeting and Convention.

Petitioner: Juanita Cadena (pro per)

Petition for Appointment of Probate Conservator

		TEMPORARY EXPIRES 10/8/15.	NEEDS/PROBLEMS/COMMENTS:
		JUANITA JENNY CADENA , sister, is petitioner	Court Investigator Advised Rights on 8/17/15.
		Please see petition for details.	
Cont. from 082715		Court Investigator Report filed on 8/21/15	Voting Rights affected need Minute Order
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		<ol style="list-style-type: none"> 1. Need Citation. 2. Need proof of personal service of the Citation on Elvira Schembri. 3. Capacity Declaration filed on 8/28/15 is incomplete at #1 and #2, the name, address and telephone number of the physician. 4. Capacity Declaration filed on 8/28/15 is not initialed by the physician at #7b, as required.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input checked="" type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation	X	
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/5/15
			Updates:
			Recommendation:
			File 12 – Schembri